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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: Application by Qwest Communications International, Inc. for Authorization to Provide In-Region InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming, WC Docket No. 02-314

Dear Ms. Dortch:

On Tuesday, December 10, 2002, Robert Quinn, David Lawson and the undersigned, all representing AT&T, met with Sam Feder, Legal Advisor to Commissioner Martin, to discuss concerns raised by AT&T in the above-referenced proceeding. In addition to briefly discussing Qwest's December 3, 2002 *ex parte* letter that addresses Qwest's provisioning of in-region interLATA long distance services, AT&T reiterated that Qwest's failure to provide Mechanized Loop Test ("MLT") information is a clear checklist violation, that Qwest again has failed to demonstrate compliance with Section 272, and that Qwest's recent filing and posting of agreements did not, and could not, cure the discrimination and other secret deals-related deficiencies in this application.

As AT&T has demonstrated consistently, Qwest's application for Section 271 authority must be denied because Qwest's pervasive pattern of entering secret discriminatory interconnection agreements precludes any finding that Qwest is in compliance with the nondiscrimination requirements of the checklist. Qwest's attempt to avoid the responsibility and consequences for its discriminatory and violative conduct by privately terminating dozens of these agreements is of insufficient avail and amplifies rather than resolves the problem. AT&T continues to demonstrate that there are still secret deals in existence that are not available to AT&T and other CLECs, as summarized and supported more specifically below. Moreover, to the extent that Qwest has sought to garner the benefit of Section 271 authority by eradicating favorable secret agreements, Qwest has failed to disclose adequately and make available the terms on which each such agreement was terminated; Qwest has not and cannot, through its chosen practice, cure the harm to AT&T and other CLECs of depriving them of their statutory right to opt into interconnection terms that should have been made available to them and that still would be available to them if they had been made part of their own interconnection agreements. The Minnesota PUC's recent affirmation that Qwest also knowingly and intentionally entered into discriminatory oral secret deals exacerbates Qwest's checklist noncompliance. Finally, Qwest's most recent practice of attempting to hide behind the claim that the terms of various private agreements it has entered do not need to be made available to other CLECs because they are settlement agreements offering a "one-time payment for

a backward-looking dispute" must be seen for what it is - an effort to collapse discriminatory deals into present value payments.¹

In response to specific questions from Mr. Feder, AT&T has asked Kenneth L. Wilson, one of its declarants regarding Qwest's practice of entering into secret interconnection agreements, to identify agreements that 1) have not been terminated and remain in effect 2) have been determined by the Arizona Staff to be "interconnection agreements" and 3) have not yet been posted to Qwest's website. Below are twelve agreements that Mr. Wilson has identified meeting all three of these conditions and their corresponding numerical identification on the attached Responsive Matrix originally submitted with AT&T's *ex parte* letter filed in this proceeding on November 7, 2002:

- Allegiance: Confidential Billing Settlement Agreement with Qwest, 12/24/01 (#1)
- Eschelon: Letter Agreement from Qwest re: Daily Usage Information, 11/15/00 (#12)
- Eschelon: Definitive Settlement Agreement Letter, 2/22/02 (#16)
- Global Crossing: Settlement Agreement and Release w/ Qwest, 9/18/00 (#17)
- WorldCom: Confidential Billing Settlement Agreement w/ Qwest, 12/14/00 (#20)
- McLeod: Settlement Document Relating to Qwest Merger, 4/25/00 (#21)
- McLeod: Purchase Agreement date 10/26/00 and Related Oral Agreement (#24)
- XO (Nextlink): Confidential Billing Settlement Agreement w/ USWC, 5/12/00 (#26)
- Allegiance: Directory Assistance Agreement w/ US West, 12/20/99 (#48)
- Allegiance: Internetwork Calling Name Delivery Service Agreement, 8/23/00 (#51)
- Allegiance: Operator Services Agreement with Qwest, 6/10/02 (#52)
- McLeod: Amendment to Confidential Billing Settlement Agreement, 10/26/00 (#61)

These agreements may be subject to confidentiality agreements in the Arizona proceeding, but could be requested for production by the Commission staff.²

One electronic copy of this Notice is being submitted to the Secretary of the FCC in accordance with Section 1.1206 of the Commission's rules.

Sincerely,



cc: Matthew Brill Michael Carowitz
Sam Feder William Dever
Jordan Goldstein Janice Myles
Christopher Libertelli Gary Remondino

¹ While addressed most fully in the prior dockets concerning Qwest's first applications for Section 271 authority, AT&T cannot help but reiterate that Qwest's secret deals have made unreliable the records developed in the state proceedings. The termination of dozens of secret interconnection arrangements only compounds the problem of relying on those records.

² Mr. Wilson has verified either that these agreements (1) have not been terminated; (2) were mistakenly identified by him as a terminated agreement in his initial matrix; (3) have no termination date on them; or (4) have not been the subject of any Qwest evidence that they have been terminated. All of these agreements were included on the Arizona Staff list of agreements that it has recommended be deemed interconnection agreements that must be filed pursuant to Section 252 (previously filed in this proceeding by AT&T and attached hereto).